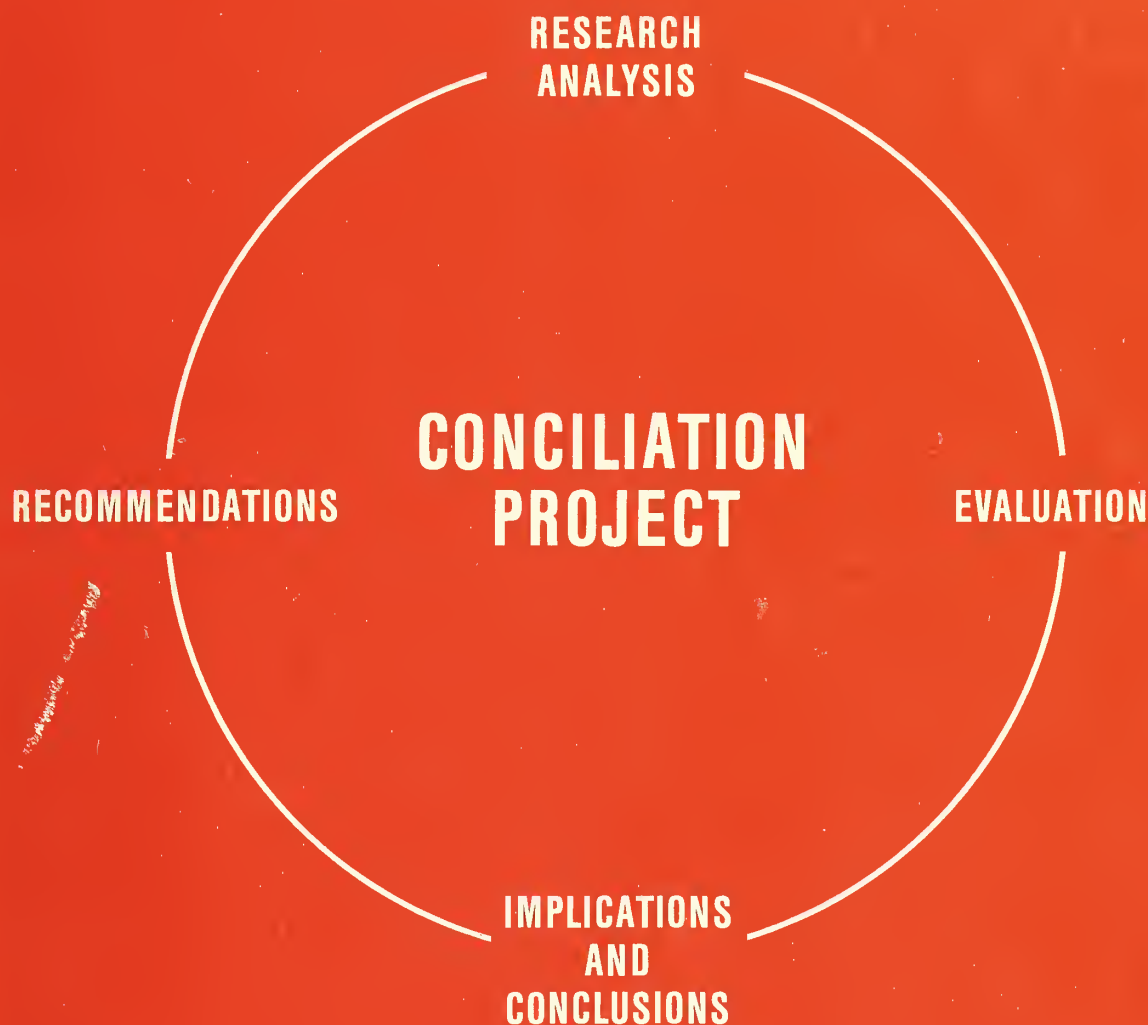




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FINAL RESEARCH REPORT of the CONCILIATION PROJECT Provincial Court (Family Division) Toronto

August, 1981

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FINAL RESEARCH REPORT

A Study of Conciliation Counselling
in the Family Court of Toronto:
Implications for Socio-Legal Practice

by

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Toronto: Welfare Grants Directorate,
Department of National Health and Welfare
and the Ontario Ministry of the Attorney General
Demonstration Project No. 4555-1-65

August, 1981



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Provincial Court
(Family Division)
Conciliation Project

Ministry of the
Attorney
General

Judicial District
of York

416/923-7781

311 Jarvis Street
Toronto Ontario
M5B 2C4

September, 1981

The Conciliation Project of the Provincial Court (Family Division) was a three year Demonstration Project, funded jointly by the National Grants Directorate of Health and Welfare Canada and the Ministry of the Attorney General of the Province of Ontario. The Project, which was located in the Provincial Court (Family Division) at 311 Jarvis Street, Toronto, commenced operation in November, 1976.

The Final Service Report of the Project was published in August, 1980, and the publication of the present Report, the Final Research Report, marks the conclusion of the Project. These Reports record the experience of the Project. We hope that they may be of interest to others who are concerned with the resolution of family disputes.

Although the Project has ceased, the Provincial Court (Family Division) at 311 Jarvis Street continues to offer a conciliation service. Information concerning the service may be obtained from the Supervisor, Court Counselling Service, whose name and address I set out below:

Mrs. Joan Kelly
Supervisor, Court Counselling Service
Provincial Court (Family Division)
311 Jarvis Street
Toronto, Ontario
M5B 2C4

A handwritten signature in black ink, reading "Derek Mendes da Costa".

Dr. Derek Mendes da Costa, Q.C.
Chairman, Board of Directors

ACKNOWLEDGEMENTS

We wish to express our gratitude to the many individuals who gave so much of their time and experience. We owe these people, far too many to acknowledge individually, a great debt of gratitude. We are, however, especially indebted to the Attorney General for Ontario, the Honourable R. Roy McMurtry, Q.C., for his strong support and encouragement. His personal interest in this research evaluation of conciliation counselling has been most appreciated.

Special appreciation is due to His Honour Chief Judge H.T.G. Andrews, who initiated this Project from its earliest beginnings and contributed a great deal of knowledge and experience toward the design and implementation of the research evaluation. Janet Rowney, Chairperson of the Research Committee, offered thoughtful consultation throughout the Project as well as perceptive direction during critical times. We are grateful to her.

We want to thank Dr. Derek Mendes da Costa, Q.C., Chairman of the Board of Directors, whose leadership guided the project through some difficult times. His incisive suggestions and personal encouragement were most helpful. We would like to acknowledge Robert Hart of the Welfare Grants Directorate, Health and Welfare Canada, who worked along with us from the inception of the project. We benefited much from his guidance and experience. Above all he offered us the unusual combination of evaluative research and social policy acuity. This provided us with an integrative approach throughout the evaluation. We want to acknowledge Meyer Elkin, former Director of the Los Angeles Conciliation Court, for his most helpful consultation regarding the creation and evaluation of our conciliation counselling service.

Finally, this project could not have been done without the cooperation of the Project and Intake Staff of the Provincial Court (Family Division) situated at 311 Jarvis Street, Toronto. The Judges of this Court, especially His Honour Senior Judge L.A. Beaulieu and His Honour Judge D.R. Main, were supportive throughout the Project. We owe a great deal to Gwen Spracklin who was responsible for completing most of our follow-up interviews and carrying out other key administrative tasks.

Heather Madden did an outstanding job providing all around secretarial assistance. We owe a special thanks to the respondents who so generously gave of their time and energy under difficult circumstances to provide us the valuable data for this study. We are indebted to them all.

The conclusions and findings of this report do not represent the views of the two funding bodies, Welfare Grants Directorate of Health and Welfare Canada and Ministry of Attorney General of the Province of Ontario, but are those of the authors of the report.

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PREFACE

Faced with the rising tide of conflicted and unhappy couples coming to the Provincial Court (Family Division), Chief Judge H.T.G. Andrews first articulated the idea for a study of conciliation counselling in the early 1970's. Later, in 1974, a planning group was formed to pursue this idea. Their efforts culminated in a proposal for a three year demonstration project submitted by Professors Irving and Gandy to Health and Welfare Canada. The proposal was approved in 1976 and lead to the creation of the conciliation counselling service operating out of the Provincial Court (Family Division) in the Municipality of Toronto.

Over approximately the past five years, study of the service thus established has continued. This has resulted in the completion of two interrelated research studies. Study 1 compared the conciliation in terms of their outcome effectiveness. The basic methods and findings of this study are briefly summarized below (p. 5-11); readers interested in a more detailed exposition are referred to Irving et al. (1979). Study 2, reported in the present monograph, follows up several of the issues already raised in the previous study, thus providing an in-depth study of the conciliation counselling service.

The primary aim of both studies was to carefully and critically evaluate the utility and practicability of conciliation counselling as an adjunct or alternative to the adversarial court process as applied to couples faced with serious marital conflict. Secondly, however, they also sought to establish a data base that would be available to graduate students as a focus for future and continuing research. Indeed, as an illustration of what can be done with these data, Appendices 2 and 3 summarize some of the findings from the first doctoral thesis to exploit this data base.

I. Introduction

Over the past twenty years, the rates of marital separation and divorce have slowly but inexorably risen in both Canada (Stat. Can., 1978) and the U.S. (Norton & Glick, 1979). One consequence of this change has been an enormous increase in the population of troubled and unhappy people seeking help; another has been increasingly urgent concern over the means by which social service systems may be designed to provide the services required by these clients.

A case in point concerns the Family Court which plays a major role in the initiation and enforcement of various forms of family litigation associated with separation and divorce. While the demand on the Court was manageable, the Court's procedural system functioned well. More recently, however, a tremendous increase in service demand has created a serious backlog of cases, the delay between the initiation of litigation and Court appearance has risen rapidly and, in general, strained the civil court system (Elkin, 1973; Carey & Teachmont, 1979; Cochetti, 1978; Feldman, 1977).

These problems have been accompanied by a growing concern within the legal and social service communities that the adversary system is neither appropriate nor helpful for many couples seeking judicial solutions to their marital difficulties (Kronby, 1972: 123; Wheeler, 1974: 12). The main basis for dissatisfaction is that the adversary system escalates conflict between couples (Cavanaugh & Rhode, 1976; Coogler, 1977; Holand & Noland, 1976; McHenry et al., 1978)*while exacerbating the emotional trauma already associated with separation or divorce (Irving & Irving, 1974; Weiss, 1975).

* An asterisk indicates a reference cited in Bahr (1980).

Nor should this be surprising. Legal ethics require that lawyers represent their clients with vigor and determination. This recommends that lawyers often take extreme and unnecessarily divisive positions (Coogler, 1977; Weiss, 1975: 265); frequently this involves their advising their clients to engage in conflict escalating behavior (McHenry et al., 1978)*. Consequently, the process of marital dissolution continues to be structured as a contest between opponents (Eisler, 1977; Elkin, 1977)*. Paradoxically, this serves to defeat the purpose for which the Family Court was created - the informal solution of marital and family problems - and suggests that adversarial court procedures may be contraindicated with respect to many family problems.

These remarks are not intended to imply that the Family Court no longer has an important and continuing role to play in family litigation. Rather, they suggest, first, that there are many families for whom adversarial court procedures are neither appropriate nor helpful; and, second, that alternative approaches to marital conflict and dissolution need to be found to complement the judicial process.

Conciliation counselling has been proposed as one such alternative. Essentially, this involves a neutral third party counselling persons whose marriage is in distress or has already broken down (ie. separation, divorce). Accordingly, it may be defined as "a form of family intervention involving one or both spouses seen separately or together and designed to achieve one or more of the following outcomes: (1) reduce the level of real or perceived conflict between spouses; (2) facilitate communication between spouses, either in general terms or about specific issues

problematic for them; (3) transform an amorphous problem into a resolvable issue; (4) suggest problem-solving strategies as a viable alternative to litigation; (5) provide the most efficient use of the legal system; and (6) optimally, help the spouses achieve a written agreement concerning one or more disputable issues or problems." (Irving et al., 1979: 14-15). Ideally, these outcomes are intended to soften the trauma traditionally associated with marital dissolution as well as reduce the private and public expense typically attendant on it.

Proponents of this approach assume that persons experiencing various family problems can benefit from third party intervention (Elkin, 1973) and that even when reconciliation is impossible, conciliation counselling may minimize whatever emotional damage will be done (Lightman & Irving, 1976). Further, assuming that this approach is superior to the traditional adversary system, they have argued for the widespread implementation of a conciliation counselling service (CCS) (Weiss, 1975: 112; Davidson, 1975: 14; Irving & Gandy, 1975; Sonne, 1978; Haynes, 1978).

The empirical bases of this argument are twofold. First, some support comes from the social psychology literature concerning bargaining and negotiation. In that context, several investigators report evidence that co-operative strategies work better than competitive ones in the prevention or the resolution of conflict (Rubin & Brown, 1975: 263; Deutsch, 1973: 252). Whereas the former promote trust and compromise, the latter engender suspicion and conflict. While persuasive and interesting, as laboratory effort, these data at best provide only indirect support for the conciliation approach.

A second source of support comes from a handful of clinical projects employing this approach. Thus, Elkin (1962, 1973) in Los Angeles (California), the Alberta Conciliation Service (1975) in Edmonton (Alberta), Weiss and Collada (1977) in San Jose (California) and the Frontenac Family Referral Service (1979) in Kingston (Ontario) all claim service effectiveness. While these studies have collectively made an important contribution, they remain problematic insofar as they are all primarily descriptive, fail to report operationally defined outcome measures, are non-comparative in design and/or suffer from sampling limitations.

While such efforts are, of course, encouraging, the fact remains that no research study currently exists which provides empirical support for the outcome effectiveness of conciliation counselling as an intervention strategy, either alone or in comparison to alternative (ie. more traditional) intervention approaches. What appears to be needed is an exploratory study of conciliation counselling employing a comparative research design.

In response to this need, the Toronto Conciliation Project began operation in 1976. The Project was situated in the Provincial Court, Family Division, located in the Municipality of Toronto (Ontario) and was funded under the auspices of Health and Welfare Canada and the Ontario Ministry of the Attorney General. The Project initiated two interlocking studies. The results of the first study, Study 1, have only recently been published (Irving et al., 1979) while this report presents the findings of the second study, Study 2.

Briefly, Study 1 compared the outcome effectiveness of two counselling services attached to the Family Court. The first, the

traditional intake service (TIS), while oriented to brief crisis counselling and subsequent referral, also sought to help clients understand and resolve their marital problems without recourse to the court, if possible. The second, the Conciliation Counselling Service (CCS), while oriented to problem resolution and the achievement of agreement between spouses, also made subsequent referrals when this was deemed necessary.

Broadly, the aims of the study were two-fold. As suggested above, very little is known either about the outcome effectiveness of conciliation counselling or about how it compares (if at all) with that of any alternative, more traditional intervention strategy. Until and unless such information is available, widespread implementation and operation of conciliation counselling services across North America is unlikely. Accordingly, the primary goal of the study was:

To compare the outcome effectiveness of
the conciliation counselling and the
traditional intake services of the Family
Court.

At the same time, however, it seemed reasonable to assume on the basis of existing clinical evidence (eg. Elkin, 1973) that all Family Court clients would not be amenable to conciliation counselling. It followed that knowledge of the characteristics of clients suitable for conciliation counselling would be crucial to the development of a client screening instrument and/or procedure on which,

in turn, depended on the design and efficient operation of such a service. Accordingly, the secondary goal of the study was to identify and describe the subset of Family Court clients most amenable to conciliation counselling. Operationally, this translated into the following terms:

To compare conciliation counselling clients
who, on follow-up, appear to benefit from
the service with those that do not do so.

Clients were assigned to the TIS and the CCS groups on a quasi-random basis. Upon arrival at the Family Court, each potential client was issued an intake slip comprising the individual's name, the date and their arrival time. The client with the earliest arrival time was assigned to whichever service had a worker available following a baseline interview.

Two selection criteria were employed for sampling purposes:
(1) all clients were first-time users of the Court service; and (2)
all clients agreed to participate in the research project.

Over a period of nine months (February 1 to October 31, 1977), a total of 228 clients met the above criteria; 122 were assigned to the TIS group compared to 106 assigned to the CCS group. Typically, clients in both groups were white females in their early thirties who had little education, had serious problems concerning financial support and/or physical abuse and were separated from their husbands and living with their children as unemployed housewives on a rather meager income.

The two services offered these clients differed in four ways.

The CCS sought to enhance co-operative behavior between spouses in conflict and to help them use the resources of the legal and social service systems to their best advantage. To these ends, conciliation counsellors were all holders of an M.S.W., had relatively small caseloads, worked flexible hours (including one evening per week) and attended a special in-service training programme consisting of 12 three hour sessions. In contrast, the TIS was designed primarily as a means of brief crisis intervention and so sought to determine appropriate referral and to expedite the client's use of the Court's legal services. To these ends, intake counsellors all had undergraduate degrees*, had relatively large caseloads and worked only during standard business hours (i.e., 9 a.m. to 5 p.m.); they were given no special training.

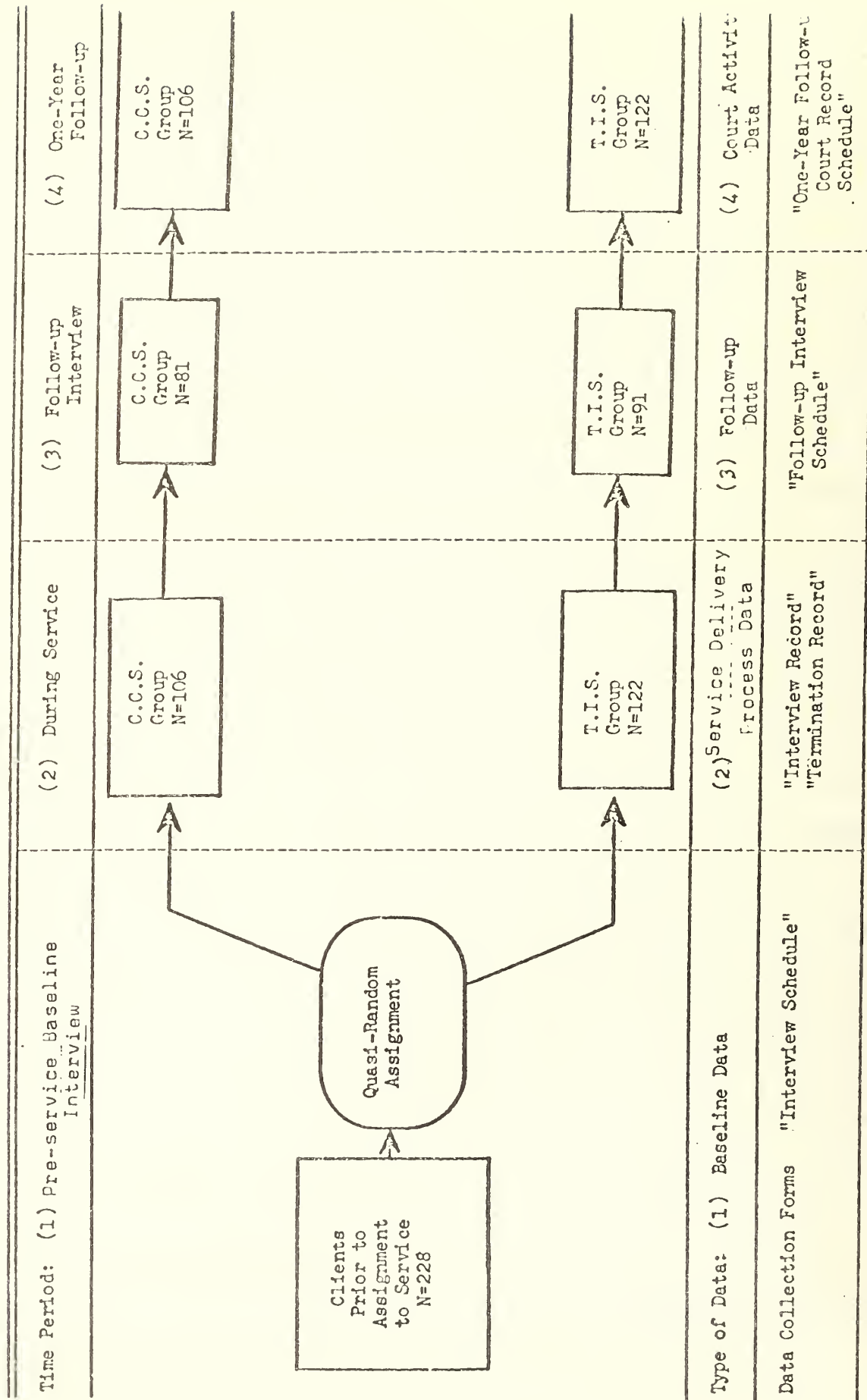
Within this context, evaluation of the outcome effectiveness of the CCS and the TIS took place in four sequential phases summarized in Figure 1.

Phase 1 involved the collection of baseline data. Immediately prior to meeting with an intake worker or a conciliation counsellor, each client was interviewed in a private office by one of six experienced and specially trained research interviewers by means of a 39-item Interview Schedule. These interviewers had no clinical responsibilities; their sole involvement with the Court was restricted to data collection in the present study.

Phase 2 concerned evaluation of the service delivery process.

*There was an exception; one TIS counsellor had an M.S.W. degree.

FIGURE 1
FLOW CHART OF RESEARCH DESIGN



To this end, workers maintained a running record of each case by means of repeated completion of a 14-item Interview Record Questionnaire and, upon termination of each case, completion of a 40-item Termination Record Questionnaire.

Phase 3 concerned follow-up evaluation of service clients and began at least six weeks after termination; on average, clients were interviewed via a 76-item Follow-up Interview Schedule twelve weeks after the termination of service. While considerable difficulty was encountered in locating clients for a follow-up the perseverance of the research interviewers was rewarded; 172 (75%) of the original sample of 228 clients were successfully reinterviewed on follow-up. This represented 72% (n=91) of the TIS group and 78% (n=81) of the CCS group. Almost all interviews were conducted in the client's home by the same interviewer (whenever possible) who had done the baseline interview.

Finally, phase 4 concerned the use of the Court by the study sample within one year following termination. This involved completion of a 13-item Court Record Schedule by an experienced court worker following a thorough examination of the Family Court files.

In capsule form, the results were as follows:

- (1) Counselling by the CCS as opposed to the TIS was significantly more likely to involve the participation of both spouses, a greater number of interviews and a greater amount of cumulative interview time.
- (2) A significantly greater proportion of CCS as opposed to TIS clients reported that they were

"much better" following counselling; in addition, significantly more CCS clients reached an agreement with their spouse (21.7% vs 8.2%).

- (3) Among CCS as opposed to TIS clients, agreement was significantly related to the number of problems rated "serious" or "very serious" and having been referred to the service by a professional or, more especially, by a lawyer.
- (4) Among CCS as opposed to TIS clients, agreement was significantly related to the cumulative amount of interview time and perception of an improvement in client life circumstances.
- (5) Finally, among CCS clients only, there was a direct linear relationship between reported improvement in life satisfaction and life circumstances, and both the number and duration of counselling interviews.

On the basis of these findings, it was suggested that the CCS had demonstrated superior outcome effectiveness compared to the TIS. However, in the tradition of exploratory studies, this research raised at least as many questions as it answered. Among the most important of these questions were the following:

- (1) Given that random selection yielded an agreement rate among CCS clients of only 22%, would inclusion of specific selection criteria increase

the rate of agreement? If so, what would such selection criteria involve?

- (2) While the achievement of an agreement is an important first step in avoiding the negative effects of the adversary system, it is of relatively little help if such agreements do not endure. What proportion of agreements stand the test of time, say a period of at least one year? What impact, if any, does this have on usage of the judicial system?
- (3) Demonstrated client outcome effectiveness is a prerequisite for the widespread implementation of CCS's. However, another is their acceptance by members of the legal community, especially by lawyers. Accordingly, do lawyers who have had some contact with the CCS believe that it benefits them and their clients? or does it hinder them in the performance of their role?

These essentially pragmatic questions served as the foci of Study 2, which was divided into three parts. Examining the outcome effectiveness of conciliation counselling through the application of selection criteria was the primary objective of Part 1. Attention to the issues of agreement durability (as measured by court recidivism) and lawyer evaluation were the objectives of Parts 2 and 3, respectively.

In what follows below, the methods used in data collection are briefly described. Next, the results are reported in summary form.

Finally, these findings are discussed, with a special emphasis on various policy implications which may be derived from them.

II. Method

A. Sample Selection and Evaluation Setting

The findings of Study 1 (Irving et al., 1979) indicated that the outcome effectiveness of the CCS could be considerably enhanced by using a selected as opposed to a random sample. Accordingly, based on Study 1 data, four selection criteria were employed for sampling purposes:

1. Both spouses agree to participate in counselling.
This means that the marital dyad was the primary unit of analysis.
2. Referral to the services must be made by either a judge or a lawyer. With respect to the latter, agreement to refer their client to the CCS must involve the lawyers of both spouses.¹
3. Both spouses must be able to speak and read English with some level of fluency.
4. Both spouses must agree to participate in the research project, at least during phases 1 and 3 (see below, p.13,15).

¹ While the initial suggestion that the client couple use the CCS was occasionally made by someone outside the judicial system (eg. a social worker), the couple was not accepted as a referral unless the lawyers representing both spouses agreed that this was an appropriate course of action. In this sense, third party "referrals" involved less than 5% of the study sample.

Over a period of ten months (September, 1978 to June, 1979), a total of 193 out of 352 Court client couples (55%) met the above criteria and so were designated as the CCS study sample.¹

All service delivery to and baseline evaluation of the study sample was conducted in the offices of the Provincial Court, Family Division, located in the Municipality of Toronto. The majority of follow-up interviews (see below, p. 15-16) were conducted in the homes of the respondents.

Service Characteristics

The CCS is best described in terms of the following four components. First, in accord with the aims of the service, conciliation counsellors sought to enhance co-operative behavior between spouses in conflict and to help them use the resources of the legal and social service systems to their best advantage. Specifically, this involved (1) Focusing on objective issues as one aspect of task centred family intervention; (2) Reducing non-rationality by helping to clarify purposes, intentions, gains and costs; (3) Exploring alternative solutions to various marital problems; (4) Facilitating communication between spouses in conflict, and (5) Identifying and promoting the use of additional resources (other than the court).

Second, all counsellors were holders of a Master of Social Work (M.S.W.) degree. Third, CCS workers had a relatively small caseload (approximately 5 new cases per month per worker) and worked flexible hours, including one evening a week. Finally, all workers attended a special in-service training programme.

¹ 95 of the 159 cases excluded from the study sample were not offered conciliation counselling. Sixty-four could not speak English. Moreover, of those cases which met the selection criteria and were asked to participate in the study, only 14 cases (4%) refused.

The programme consisted of 12 three hour sessions given by experts in the fields of family law, family breakdown, family counselling and conflict resolution. It was primarily designed to orient the workers to the unique aspects of conciliation work and acquaint them with all relevant legislation.

Service Evaluation Procedure

Evaluation of CCS outcome effectiveness took place in four sequential phases, summarized in Figure 2.

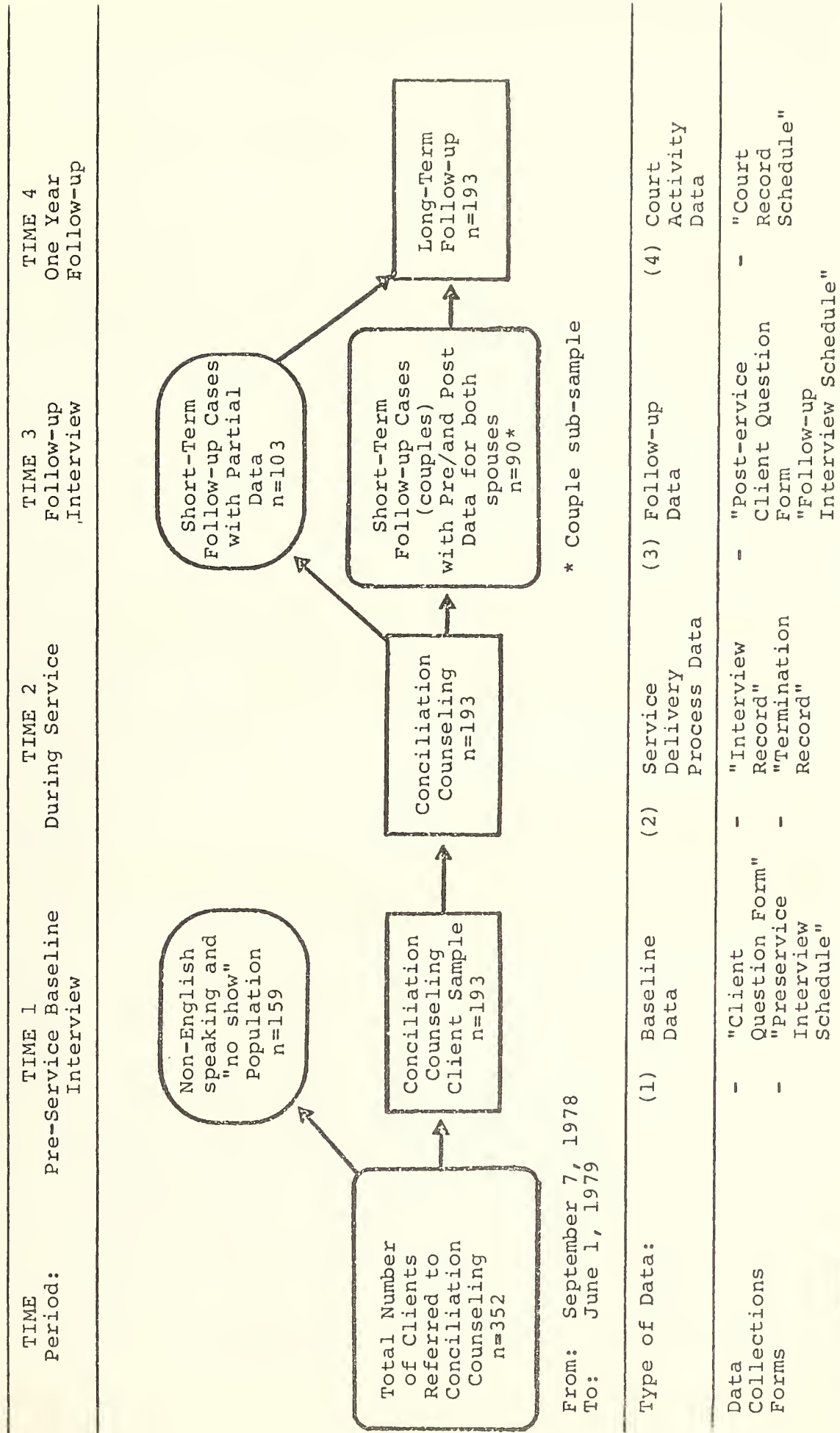
Phase 1 involved the collection of baseline data. Upon arrival at the CCS office, client couples were met by the receptionist who was trained to explain the purpose and confidential nature of the study. She recorded the clients' file numbers and names on two separate copies of a 41-item Client Question Form and asked them to fill it out privately while in the waiting room. In order to minimize the possibility of bias, throughout this and all subsequent phases of the study, data were collected from each spouse separately.

Apart from descriptive data, the Form contained two specific research instruments designed and/or selected to provide a baseline for comparison with later follow-up measures, specifically, the Life Satisfaction Questionnaire (Part 8), modified from Campbell et al. (1976), and the Problem Severity Index (Part D). The former consisted of 10 semantic differential¹ items, each of which consisted of a pair of polar adjectives (eg. "boring" vs "interesting"). Clients were asked to rate where they would place their present life circumstances on a six-point scale within the two extremes.

¹ Developed by Osgood et al. (1957), the semantic differential is a method for exploring the connotative meaning of concepts.

FIGURE 2

FLOW CHART OF RESEARCH DESIGN



* 95 couples referred involved one (34 cases) or both (61 cases) spouses who did not wish to proceed with conciliation.

The eight items¹ most highly intercorrelated (Campbell et al., 1976) were combined to provide a Life Satisfaction Index.²

The latter instrument, the Problem Severity Index, was made up of problems common to people using the Family Court. This list of problems was compiled with the help of the staff of the CCS and the Traditional Intake Service.³ Clients were asked to rate each of the problems listed (eg. custody dispute) on a 5-point Likert-type scale ranging from "Not a problem for me" to "A very serious problem for me".

Prior to its use (i.e. prior to Study 1), the Client Question Form, together with all other test instruments, was pre-tested for reliability and clarity on 34 Court clients.

Following completion of the Client Question Form, the client couples began their first counselling interview. At that time, the CCS worker reviewed the form for completeness (helping them to complete it if necessary) and subsequently administered a 26-item Preservice Interview Schedule.⁴ The Schedule was primarily designed to collect sociodemographic data as well as to inquire, in further detail, into the clients' presenting problem(s). All workers were trained in the systematic use of this and all other research questionnaires. Furthermore, their work was routinely monitored and

¹ The two items excluded were "easy" vs "hard" and "free" vs "tied down".

² The Index score was computed by summing the scale scores for the 8 items in question and then deriving a mean score, with index scores having a range of 1 to 6. Some items were reverse scored so that higher scale scores reflected greater life satisfaction.

³ The Traditional Intake Service pre-date the establishment of the CCS in 1976. It is primarily concerned with crisis counselling Family Court clients with the aim of helping them use the Court appropriately.

⁴ In less than 10% of cases, this data collection sequence was altered in response to client crisis circumstances.

checked for accuracy, and periodic meetings were held to assure that uniform interviewing procedures were being employed.

Phase 2 concerned evaluation of the service delivery process. To this end, workers maintained a running record of each case by means of the repeated completion of a 14-item Interview Record Questionnaire and, upon termination of service, completion of a 40-item Termination Record Questionnaire.

The Interview Record Questionnaire recorded data pertaining to each interview (eg. length of interview) with each client couple. The Termination Record Questionnaire provided summary information (eg. who was involved) for each case as a whole.

Phase 3 concerned follow-up evaluation of client couples and was conducted 6 to 12 weeks after the termination of service. This involved administration of a 38-item Follow-up Interview Schedule and a 72-item Post-Service Client Question Form. The former schedule specifically focused on the clients' perception of the CCS as well as inquiring into the clients' perception of how such contact had affected their most important presenting problem. The latter form duplicated the items from the baseline Client Question Form (ie. Parts A-E) but included, in an additional section (ie. Part F), a further research instrument, the Court Service Satisfaction Questionnaire. This Questionnaire, as its name implies, examined the extent to which the clients' perceived that contact with the CCS had altered their life circumstances. Both the aforementioned forms were administered in the clients' home by one of two specially trained research interviewers. Their work, like that of their counsellor counterparts, was periodically monitored for accuracy and uniformity of procedure.

Of the 386 individuals (ie. 193 couples) constituting the study sample, 227 (58.8%) were successfully contacted and reinterviewed on follow-up. In terms of marital dyads, however, this return represented complete data on 90 client couples (46.6%); data were incomplete on the remainder (ie. 103 couples; 53.4%). A file was judged "incomplete" if data were available with respect to only one spouse on follow-up or if one or both spouses failed to respond to 20% or more of follow-up interview items.

Finally, phase 4 concerned the use of the Court by the study sample within one year following the termination of service. This involved completion of a 13-item Court Record Schedule by an experienced court worker based on a thorough search of the Family Court records. The Schedule, developed with the assistance of a CCS worker, was designed to determine the frequency and type of litigation with which each of the study client couples were involved. In addition, at this time, all counsellors were interviewed by the senior investigator. These interviews were relatively informal and open-ended; they focused on the counsellors' general impressions of conciliation counselling, especially the most effective means of helping client couples reach agreement.

Data Analysis

As stated above, while data were available with respect to 193 couples, a complete data file existed for 90 of them. On the grounds that collapsing complete and incomplete files together would seriously compromise the validity of any pre-post comparisons,¹ such comparisons were restricted to complete data files alone. In order to ensure that

¹ Such a procedure would have constituted a threat to external validity by raising the possibility of comparing quite different groups on pre and post test measures.

TABLE 1.

SELECTED DEMOGRAPHIC
CHARACTERISTICS
COMPARISON OF MEANS

Demographic Characteristics	COUPLE GROUPS			
	"PARTIAL"	CASES	"VALID"	CASES
	Means	(N)	Means	(N)
Wife's Age	30.6	(85)	31.3	(94)
Husband's Age	33.6	(83)	34.3	(90)
Months Married	84.4	(55)	108.0	(67)
Months Other Marital Status	18.7	(63)	14.8	(81)
Times Married - Wife	1.2	(56)	1.1	(92)
Times Married - Husband	1.1	(57)	1.2	(90)
Times Separated	8.2	(65)	8.3	(94)
Months of Problems - Wife	59.2	(48)	70.7	(88)
Months of Problems - Husband	58.4	(40)	54.0	(82)
Years in Canada - Wife	22.6	(34)	21.2	(74)
Years in Canada - Husband	22.8	(31)	21.1	(76)
Months of Present Living Arrangement	25.3	(51)	15.9	(92)
Number of Children	1.9	(85)	2.0	(96)

Note: In terms of outcome at termination the groups also appeared comparable, in that 70 percent of the "valid" cases reached agreement and the rate of agreement for the total 193 cases was 62 percent.

this procedure did not yield a sociodemographically biased subsample, partial and complete subgroups were compared statistically. Virtually no statistically significant differences were detected (see Table 1).

Available data were of two types, qualitative and quantitative. With respect to the latter, data were coded, punched on standard cards and "edited" for computer analysis using the Statistical Package for the Social Sciences (Nie et al., 1975). Comparative analysis of data which achieved either a nominal (ie. yes/no) or ordinal (ie. less than/greater than) level of measurement (in form of a cross-tabulation table) involved the use of the Chi Square test (written χ^2) of independence. Analysis of interval data (ie. "mean" or average scores) involved use of the T-test for independent samples (Glass and Stanley, 1970). For both tests, an alpha level of 0.05¹ was employed as the acceptable level of statistical significance.

With respect to qualitative data, these were initially examined by inspection. Wherever the data exhibited some clustering or redundancy, client responses were categorized, collapsed, quantified (in percentage terms) and subjected to statistical analysis using the same procedures as described above.

B. One Year Follow-Up On Agreement Cases

In addition to court follow-up, the durability of agreements was also examined at one year follow-up. At that time, a 50% random sample was selected from among CCS client couples who reached

¹ Statistical significance at the 0.05 level means that there are about 5 chances out of 100 that the observed differences between two group scores is not "real", but simply due to chance variation. Consequently, whenever the derived probability is less than 0.05 (written $p < .05$), the two groups being compared are probably different in terms of the variable(s) in question.

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agreement and for whom complete data were available (n=61). Of these (n=30), 16 couples together with 9 single clients agreed to participate.

Initial contact was made by letter. This advised them that they would soon be contacted by telephone for their assistance in completing a Telephone Follow-Up Questionnaire. This consisted of 20 items focusing on: (1) their current marital status; (2) the current status of their conciliation agreement; and (3) their evaluation of and attitudes towards the CCS. All items were either of the Likert type or were of the multiple choice variety. The questionnaire was administered by a group of five graduate social work students as part of a research methods course under the supervision of the senior author.

Because of the small sample size, data analysis did not differentiate between single and couple clients; rather, analysis focused on the responses of the 41 clients seen as single individuals.¹

Questionnaire approach

C. Lawyers' Evaluation of CCS

In order to determine lawyers' evaluation of the CCS, a list of 75 lawyers was first compiled each of whom had referred at least one client to the CCS during the period 1978-79 inclusive. Following contact with these lawyers, 52 (69.3%) agreed to participate and provided usable data.

Each of the lawyers in question was mailed a copy of the Lawyer Questionnaire accompanied by a cover letter explaining the purpose of the study and asking for their assistance. This was followed two weeks

¹ The students in question were Karen Kutner, Bayla Cheskes, Randi Davies, Edith Reiman and Lori Hoffman.

later by a telephone call advising them when the questionnaire would be picked up.

The questionnaire consisted of 13 items focusing on: (1) the level of the respondents experience with the CCS; (2) their evaluation of that experience; and (3) their recommendations for the future of the CCS. All items were either of the Likert type or the multiple choice variety. The questionnaire was administered by a group of six graduate social work students as part of a research methods course under the supervision of the senior author.¹

III. Results

The results of Study 2, Parts 1 to 3, are each presented below in summary form. For ease of presentation, the results of Part I are divided into four sections concerning client characteristics, service characteristics, outcome and follow-up, respectively. By convention, findings described as "significant" will have met or surpassed the alpha level of 0.05 while findings reported as "substantial" will be less than 0.10 but greater than 0.05.

A. Baseline Data

Baseline data provide the basis for constructing a capsule picture of the "typical" CCS client couple (see Table 2). Such couples were in their 30's (59%), had been married for more than five years (80%), had at least two children (66%) and reported that this was the first marriage for both spouses (87%). In response to

¹ The students in question were Birgit Fraser, Heather Lisner-Kerbel, Tom MacNeil, Kathryn Munro, Kitty Soni and Susan Stern.

longstanding problems (3-9 years: 81%)¹, most spouses had been separated at least twice in the past (51%) and were currently separated (72%) and living apart (85%), this arrangement having been in place for up to a year (67%). While most women worked on a full- or part-time basis (55%) - typically at clerical (45%) or semi-skilled (19%) occupations - a large proportion (45%) stayed at home to care for the children and remained financially dependent upon their husbands. Most of the latter, like their wives, had a high school education (65%) and worked on a full-time basis (85%) at a skilled (23%) or semi-skilled (24%) occupation, with 52.3% of working women earning an average of \$8,000 or more and 70.1% of working men earning an average of \$12,000 or more.²

Turning to their subjective state, couples reported a moderate level of life satisfaction³ ($\bar{x}=4.0$) and a low level of marital satisfaction⁴ (20-75% depending on the specific issue). This was especially true of wives who consistently reported higher levels of marital conflict than their husbands. While spouses reported "serious" problems in all problem categories, most rated either custody (25%) or access (27%) as the single most important problem

¹ Client couples had been coping with their problem(s) for 5.9 years, on average, before coming to the CCS.

² On average, \$6,000 per year for all women and \$13,000 per year for all men.

³ Clients were asked to rate where they placed their present life circumstances on a 6 point scale.

⁴ Clients were asked to rate their "Degree of Satisfaction" with their present marriage (e.g. "I feel that my spouse treats me badly.")

TABLE 2

SELECTED DEMOGRAPHIC CHARACTERISTIC
BY DISPUTANT PARTIES

Demographic Characteristics	DISPUTANTS	
	WOMEN	MEN
	%	%
Age (in years)		
16-31	39.3	24.4
32-41	55.1	62.8
42+	5.6	12.8
Total (n)	100.0 (89) ¹	100.0 (86) ¹
Education (in years)		
1-8	14.8	5.8
9-12	61.4	59.3
13+	23.8	34.9
Total (n)	100.0 (88) ¹	100.0 (86) ¹
Income (per year)		
Less than \$4,000	18.8	3.7
\$4,000 - \$11,999	63.8	26.2
\$12,000 - \$19,999	14.5	45.0
\$20,000+	2.9	25.0
Total (n)	100.0 (69) ¹	100.0 (80) ¹
Employment		
Working full-time	44.4	85.2
Working part-time	11.1	4.5
Not working	44.4	10.2
Total (n)	100.0 (90)	100.0 (88) ¹
Occupational Class		
Professional/Managerial	14.1	34.4
Clerk/Sales	44.7	8.0
Skilled	2.4	23.0
Semi-Skilled	18.8	24.1
Unskilled	11.8	6.9
Self-employed ² and other	8.3	3.4
Total (n)	100.0 (85) ¹	100.0 (87) ¹

¹ Note missing cases (Total N-90)

² Self-employed includes "housewife"

TABLE 2 (continued)

		DISPUTANT COUPLE
		%
Duration of Marriage (in months)		
1-60		9.0
61-144		48.4
145+		22.6
Total (n)		100.0 (62) ¹
Residing with Spouse		
Yes		15.6
No		84.4
Total (n)		100.0 (90)
Times Separated		
0		15.6
1		33.8
2-3		30.3
4+		20.2
Total (n)		100.0 (89) ¹
Duration of Problems (in months)		
1-36		34.4
37-108		46.7
109+		18.9
Total (n)		100.0 (90)
Duration of Present Living Arrangements (months)		
1-12		66.7
13-24		21.1
25+		12.2
Total (n)		100.0 (90)
Number of Children at home		
1		34.4
2+		65.6
Total (n)		100.0 (88) ¹

¹ Note missing cases

TABLE 2 (continued)

	DISPUTANTS	
	WOMEN	MEN
	%	%
Birthplace		
Canada	55.7	47.7
Another Country ²	44.3	52.3
Total (n)	100.0 (88) ¹	100.0 (86) ¹
Years Residing in Canada		
1-10	31.9	29.2
11-20	11.6	19.4
21+	56.5	51.4
Total (n)	100.0 (69) ¹	100.0 (72) ¹
Religion		
Roman Catholic	32.1	25.9
Protestant	52.4	44.8
None	7.1	21.2
Other	9.4	8.3
Total (n)	100.0 (84) ¹	100.0 (85) ¹
Current Marital Status		
Married	14.4	14.4
Divorced	5.6	5.6
Separated (with agreement)	28.9	31.1
Separated (no agreement)	43.3	41.1
Never Married	2.2	3.3
Other	5.6	4.4
Total (n)	100.0 (90)	100.0 (90)
Times Married		
Once	88.5	86.0
Two or more	11.5	14.0
Total (n)	100.0 (87) ¹	100.0 (86) ¹
Referral Source		
Lawyer	46.1	41.9
Judge	43.8	48.8
Other	10.0	9.3
Total (n)	100.0 (89) ¹	100.0 (86) ¹

¹ Note missing cases

² Represents more than 20 other countries

which brought them to court.¹ While various categories of persons had been contacted about these difficulties, lawyers were seen by both spouses to have been the most helpful (37%) and it was their lawyer (44%) or the judge (47%) who referred them to the CCS.

B. Service Data

On arrival at the CCS, client couples typically had 4-6 counselling interviews^{2,3} (47%) which they were seen separately as well as together (55%), with children included on at least one occasion (23%). Counselling tended to involve a combination of morning, afternoon and evening visits (41%) and cumulatively involved six or more hours (51%). The decision to terminate service was usually made by a joint decision of the client couple and the counsellor (78%).

In addition, there was general consensus among counsellors that especially aggressive outreach was required with respect to client couples in which one spouse felt correctly or incorrectly, that the other spouse would not be interested in attending counselling.

¹ It should be noted that "serious problem" and "most important problem" tap different variables. Whereas "serious problem" refers to a problem experienced as seriously distressing, "most important problem" refers to the most significant issue which brought the client to the Court. Thus, while a spouse may regard her husband's drinking as a very serious problem for her, she may have come to Court in regards to the problem of child custody. Consequently, there is not (necessarily) a contradiction in the statement that "child custody is my most important problem but it is only a moderate problem for me".

² Of these, the first session was typically devoted to the collection of research data.

³ Client couples had 5.1 interviews on average.

C. Outcome Data

The outcome of counselling was strongly positive in several respects. The majority of couples:

- (1) reached an agreement (70%), typically in written form (82%)¹; of these, a small proportion also reconciled (12%);
- (2) reported that they had completely (54%) or partially (28%) accomplished what they sought to achieve in relation to their most important problem; For example, one wife noted that, as a result of counselling, the "door was open for discussion. It became clear that we (the kids and I) would have to move out. (It also) clarified the custody issue and allowed me to save some dignity.";
- (3) agreed that in regard to the total situation, things had either gotten "better" or "much better" (76%) since counselling had begun; this sentiment was aptly expressed by a wife who commented that, as a result of counselling, "I understand better the problems and questions that (may) arise and can cope with them to ensure that my son is not drastically affected." However, counselling also benefited individuals psychologically, as this wife states: "I have more time to myself and I am not as angry with my husband.

¹ Written agreements pertained to all issues in dispute. However, the negotiation of financial and/or property settlements was left almost exclusively to the lawyers in question. The involvement of the CCS in such matters was restricted to helping the client couples agree in principle concerning the nature of a "fair" settlement, most often as related to the "best interests" of the children involved.

(Also), my daughter now sees her father, (something) I had refused before.";

- (4) reported that in comparison to baseline marital conflict over such things as bringing up the children, financial matters, life goals, in-laws, child support and access was considerably reduced; this was especially true of wives who, since they were initially most dissatisfied, showed the most dramatic pre-post decreases (eg. wife: custody 67% to 35%; husband: custody 57% to 47%); the quality of such change is poignantly described by the following comment by a husband: "Up to conciliation, (my) wife and I had been unable to sit down and talk things (out) without arguing in front of the baby. (The) counsellor helped us to act more maturely." Similarly, a couple jointly commented, "(Counselling was) a great experience that brought us closer together.";
- (5) exhibited a substantial decrease in the proportion of spouses who still reported a number of "serious" problems (eg. wife: custody 75% to 39%; husband: custody 64% to 52%); in this context, for example, one husband reported that "at least now there is a chance my children will know I'm concerned enough about them that I will seek help (for my problem) in order to be able to see them regularly." Similarly, a wife noted that the CCS "was very good in that although (my husband and I) didn't accomplish as much as I had hoped, I think we can prevent going to court.";

- (6) agreed that they had positive feelings about their contact with the CCS (75%); as one wife commented, "I feel more people should know about (the) service and be able to use it. It (was) an excellent opportunity to sit down with a third party and work things out. It would have been good to have come to conciliation before (going to) court.";
- (7) agreed that they would return to the CCS if the need arose (80%); thus, as one wife commented, "if there are any problems I would rather go to conciliation than (the) court or lawyers." Similarly, a husband stated that "if my wife was willing to go (back), I would."
- (8) agreed that conciliation was the main reason for any changes they had accomplished (59%) and suggested that its success was primarily attributable to improvements in communication, trust and understanding (35%), achievement of an agreement (12%) and/or reduced conflict and emotional tension (17%); thus, one husband noted that counselling "took (the) selfishness out of me (and) helped me (to) understand my wife." Another husband commented that counselling was "an educational experience which generates trust." Similarly a third husband stated that "my wife and I are not trying to make life difficult for each other anymore. We spend our energy on mutual concern for each other and our child." Finally, a wife observed that, as a result of counselling, "(this is the)

first time in five years my husband and I have not argued on (our) son's well-being.", while another wife states that "my visits with the children are more relaxed (now). I sense that reaching an agreement has lessened (the) tension (level) and (the) children are responding accordingly."

- (9) two additional findings are worthy of note based on counsellor interviews: (a) most counsellors felt that agreement was especially difficult, if not impossible, among client couples in which the spouses remained emotionally attached to each other; such couples were characterized by one spouse heavily invested in continuing the relationship while the other spouse was equally desperate to end the relationship; this combination almost invariably resulted in protracted arguing, intense emotionality and a high level of irrationality; conversely, client couples for whom separation or divorce was a mutual goal tended to reach agreement easily and with relatively little conflict; and (b) there was consensus among counsellors that reaching an agreement was made much easier if the lawyers in question were supportive of this end; in contrast, lawyers who were disinterested in the process or who persisted in adopting an adversarial approach substantially reduced the probability that an agreement would be reached.

1. Interaction Effects

In addition, client variables and service variables were examined in terms of their interaction with outcome variables. The findings were as follows:

Client Variables

- (1) agreement was significantly related to: (a) rating custody as "a mild problem for me" (see table 3); (b) accomplishing what they set out to with respect to their most important problem; (c) stating that they found their lawyer or the Court most helpful with respect to their difficulties; (d) stating that the CCS influenced change for the "better"; and, (e) feeling "better" about the problem(s) that brought them to the Court in the first place;
- (2) satisfaction with alimony, maintenance, access and custody, judgement that life circumstances had gotten "better" or "much better" following counselling and improvement in life satisfaction were all significantly associated with reporting that a range of issues, especially those pertaining to children, were rated as "mild" problems;
- (3) dissatisfaction with alimony and maintenance was significantly related with having been referred to the CCS by a judge as opposed to a lawyer;

TABLE 3 Seriousness of Custody Problem By Agreement			
Agreement			
	Yes	No	Total
Seriousness of Custody Problem	%	%	%
Mild	64.7	18.2	53.3
Moderate +0 Serious	35.3	91.8	46.7
Total	100.0 (34)	100.0 (11)	100.0 (45)

$$\chi^2 = 7.7, \text{ d.f} = 1, p = < .01$$

- (4) judgement that life circumstances had gotten "better" was also significantly related to: (a) having seen a lawyer within three months of referral to the CCS;
 - (b) reporting that they felt "better" or "much better" about the problems that brought them to the Court;
 - (c) having accomplished what they wanted to with respect to their most important problem; and (d) agreeing that the CCS was primarily responsible for any changes that occurred; and
 - (5) improvement in life satisfaction was also significantly related to reporting that they found their lawyer "most helpful" in resolving their difficulties;
- client variables were more closely analyzed utilizing a conceptual framework and client typology derived from social psychology research literature (see APPENDIX 2).

Service Variables

- (1) agreement was significantly related to: (a) having included a child in counselling at least once (see Table 4) and (b) having attended four or more interview sessions for a total of between four and eight hours of cumulative interview time;
- (2) judgement that life circumstances had gotten "better" or "much better" was significantly related to:
 - (a) having attended three or more counselling sessions and
 - (b) that these sessions included morning, afternoon and evening visits; and

- (3) improvement in life satisfaction was significantly associated with attending three or more counselling sessions.

2. One Year Court Follow-Up

A final concern related to Court activity at one year follow-up. These data revealed that:

- (1) most client couples (see Table 5) returned to Court (71%) one or more times during the year following counselling; and
- (2) much of this activity (80%) pertained to those issues which brought them to Court originally, so that one return to Court was often "automatic"¹; more than one return to Court was indicative of unresolved disputes. Client couples usually return to Court under one of two conditions: (a) if the presiding judge feels that the couple in question can benefit from conciliation counselling, he will adjourn the case for anywhere from one to three months and refer them to the CCS; if, at the end of that period, agreement has been reached, the parties return to Court at which time the judge issues a "consent order" which, in effect, spells out the terms of the agreement and gives Court assent to them; if, however, agreement cannot be

¹ It should be noted that while it would have been desirable to indicate the extent of court use (i.e. court time), such data are not available in existing court records.

TABLE 4
Times Child Seen In Counselling
By Agreement

	Agreement		
	Yes	No	Total
Times Child Seen	%	%	%
0	53.3	80.8	61.6
1+	41.6	19.2	38.4
Total	100.0 (60)	100.0 (26)	100.0 (86)

$$\chi^2 = 5.9, \text{ d.f} = 1, p = \textcolor{red}{2}.02$$

reached, the case is returned to Court for trial; in either case, return to Court is automatic; (b) alternatively, if one or both parties fails to live up to the terms of their consent order or if one or both of them feel that the terms of the order are no longer satisfactory, then the case is returned to Court for further litigation; since this return to Court concerns the consent order itself, rather than the issues which originally brought them to Court, it is a return regarding a "new" or subsequent issue; of these two categories of Court return, most Court activity (80%) fell in category "a": client couples returned to Court either for the issuance of a consent order or for trial regarding the issues which originally brought them to Court.

- (3) further examination of these data revealed that:
 - (a) return to Court with respect to issues which arose after counselling was terminated, was substantially related with having first seen a lawyer within 4-6 months of referral to the CCS;
 - (b) return to Court two or more times with respect to the original issue was significantly associated with client's judgement that their life circumstances had gotten "worse" (see Table 6);

TABLE 5
Court Activity At
One Year Follow-Up

	%	
	Yes	No
	Total	
Return to Court	71.1	28.9
	100.0 (50)	
Number of Court Dates Related To Original Issue(s)	0-1	2+
	70.8	29.2
	100.0 (90)	
Number of Court Dates Related To Subsequent Issue(s)	0-1	1+
	79.8	29.2
	100.0 (90)	

TABLE 6
Number of Court Dates Related to
Original Issue(s) By How Things Compare

	How Things Compare		
	Better	Worse	Total
Number of Court Dates Related to Original Issue(s)	%	%	%
1	80.7	55.2	72.1
2+	19.3	44.8	27.9
Total	100 (57)	100 (29)	100 (86)

$$\chi^2 = 5.02228 \text{ (corrected), } df=1, p < .02$$

reporting that contact with the CCS had made "no difference" to their problems; and, judging that financial support was a "moderate" to a "very serious" problem;

(c) return to Court, irrespective of the issue in question, was significantly related to judging that life circumstances had gotten "worse" and having first seen a lawyer 4-6 months prior to referral to the CCS. In addition, while return to Court per se was statistically unrelated to agreement, inspection of these data showed that client couples who failed to reach agreement were twice as likely as those that did to return to Court four or more times (17% vs 9%).

3. Agreements At One Year Follow-Up

Findings with respect to one year follow-up of clients who reached an agreement were as follows:

- (1) A minority of clients (22%) had reconciled, all within three to six months following the termination of counselling;
- (2) most clients (92%) felt they had a clear understanding of the terms of their agreement and, in addition, felt that this was also true of their spouse (76%);
- (3) although many clients reported having some problems with their agreement, only a handful (9.8%) returned to Court over the matter;

- (4) a substantial proportion of clients (40%) had made changes to the terms of their agreement, especially with respect to access; most of these (74%), however, had made these changes informally, that is, outside the Court system, and most (79%) were mutually acceptable;
- (5) all clients sought some help in keeping the terms of their agreement; however, this seldom involved formal agencies or organizations (eg. police 1.9%; family or marriage counsellor 7.6%, clergyman, 1.9%, psychiatrist 3.8%); rather, most clients relied on either their lawyer (25%), family or friends (19%) or their family doctor (13%), and most (75%) found such support helpful;
- (6) most clients reported that they were either "satisfied" or "very satisfied" with the terms of their agreement (eg. custody 69%; access 69%);
- (7) most clients were either "somewhat satisfied", "satisfied" or "very satisfied" with their total agreement (81%);
- (8) the majority of clients (62%) did not feel pressured to reach an agreement; of those that did, most felt that they would have liked more time in counselling as well as follow-up contact (a service not now provided by the CCS); and
- (9) finally, a majority of clients (53%) stated that in the year following counselling, their overall family situation had "improved".

4. Lawyers' Evaluation

With respect to lawyer evaluation of the CCS, the findings were as follows:

- (1) a large proportion (49%) of the respondents had had a good deal of contact with the CCS, having referred anywhere from 4 to more than 29 clients to the service during the period 1978-79 inclusive;
- (2) most referred cases primarily concerned with either custody (85%) or access (89%);
- (3) most (82%) recommended that the CCS be continued on the grounds that it helped clarify issues (52%), narrow issues (56%) or facilitate dispute resolution (60%);
- (4) with respect to the issues of access and custody, most respondents reported that the CCS was either "very helpful" (70%) or "helpful" (62%); with respect to other issues, such as property disputes, the majority of respondents felt that it either had no effect (27%) or stated that they "didn't know" (62%);
- (5) most respondents recommended that the CCS be continued in its present form (78%) on the grounds that it "always" or "frequently" helped avoid unnecessary litigation (69%), better prepared the client to understand the issues (76%), allowed the client to use their services more appropriately (82%) and reduced the client's emotional turmoil (80%);

- (6) most respondents agreed that they would recommend the service to other lawyers (79%) and felt that it operated best as a court-based service, located either in the Family Court (46%) or in the Supreme Court (43%);
- (7) most felt that the CCS could be most helpful to their clients either on first contact with a lawyer (22%) or prior to making the decision to proceed with litigation (39%);
- (8) most felt that the goals and/or functions of the CCS were not in conflict with their role as a legal adviser (84%) insofar as dealing with legal problems was their area of expertise while dealing with the emotional aspects of divorce was better handled by the CCS;
- (9) in their qualitative responses, respondents noted that the service provides conciliation counselling for clients who would otherwise be unable to afford private counselling;
- (10) finally, with respect to the future, most respondents recommended that with respect to contested cases, clients be informed of the availability of the CCS either by the judge (59%) or by a court-initiated letter (47%).

IV. Implications and Conclusions

We began this study with three objectives:

- (1) to discover the effect(s) of applying conciliation to a selected as opposed to a random sample of client couples;

- (2) to inquire into the durability of conciliation counselling agreements at one year follow-up;
- (3) to examine the evaluation of the CCS by lawyers who have had experience with the service.

The answers to these questions provided by the findings discussed above are clear and unequivocal. Specifically, they suggest that the CCS provides at least seven major benefits, either to the client couples who use it or to the lawyers referring clients to it.

First, a substantial majority of client couples either achieved a written agreement or reconciled and resumed living together. These outcomes accounted for 70% of all client couples for whom a complete data set were available. Moreover, these agreements typically concerned custody, access or support, the very issues which the majority of couples regarded as their most important problem. These findings are strikingly at variance with those of Study 1 and strongly suggest that the outcome effectiveness of conciliation counselling is enhanced by the use of a selected sample.

Second, agreements achieved during the course of counselling tended to endure, at least as of our last follow-up at one year. Perhaps even more important, the maintenance and/or modification of these agreements was typically achieved informally, without recourse to the courts. It must be noted, of course, that these findings are in some doubt in the light of the small sample from which they were derived. However, the random nature of that sample provides at least some basis for accepting their validity. If so, they attest

to the quality of CCS outcome effectiveness and suggest that the CCS not only benefits client couples who use it, but also the court system by helping to avoid unnecessary, wasteful and expensive litigation.

Third, in the same context, a group of respondents best qualified to judge the judicial benefits of the CCS, namely a group of lawyers (N=52) experienced with the operation of the service, unequivocally stated that not only did the CCS save the Court time and money by avoiding unnecessary litigation, but it also saved both lawyers' and clients' time by encouraging them to make better use of legal services. It is hardly surprising, therefore, that most lawyers strongly supported the continued operation of the CCS and noted that it did not conflict with their own legal functions.

Fourth, both clients and lawyers claimed benefit from the CCS insofar as it helped narrow and clarify issues in dispute between couples in conflict. It is not unreasonable to believe that the ambiguity surrounding many of the issues client couples bring to their lawyer derives from the intersection of the substantive and the emotional dimensions of conflict. In this context, the lawyers observation that the CCS was better suited than they in dealing with emotional tension helps to explain why issue clarification appears to be regularly associated with conciliation counselling. To the extent that a prerequisite for problem-solving is clear communication, it also helps to explain why the CCS appears to avoid many of the difficulties associated with the traditional adversary approach to divorce litigation.

Fifth, client couples consistently reported that counselling achieved its beneficial results by means of a twofold process:

reducing conflict and emotional tension while simultaneously facilitating better communication and mutual understanding. While these data help explain the reduced judicial involvement of CCS clients, it also highlights the qualitative aspects of divorce litigation, namely, the intense and prolonged emotional turmoil typically associated with it. To the extent that such turmoil clouds judgement and intensifies hostility, it can often prolong conflict and worsen an already traumatic situation. In this context, reaching an agreement as a result of conciliation counselling is incidental; its primary benefit is subjective in the form of relief from emotional distress.¹

Sixth, by its combination of objective (ie. agreement) outcome and subjective relief, conciliation counselling is strongly associated with significant improvements in life circumstances and/or marital satisfaction. This may have various meanings for the client couples in question, including improved mutual regard among married couples or assured child support and visitation for couples who are separated or divorced. Whatever the details, these data imply that such clients show an increased ability to cope with their life exigencies, the opportunity to get some satisfaction out of life and the possibility of achieving new or revised life goals, all novel

¹ It should be noted that in the context of divorce litigation, emotional distress derives from at least three sources: first, the level of perceived problem seriousness; second, the duration of marriage-threatening conflict; and, third, the process of divorce litigation itself. In this sense, the fact that the majority of CCS client couples who reached agreement experienced their problems as of mild to moderate seriousness in some areas (eg. custody) does not mean to say that they were free from substantial emotional distress in other areas.

achievements for many of these couples troubled for years prior to counselling.

Finally, reduced use of the court, better use of legal expertise, and so on, all imply that the CCS should be a cost effective method of handling pre- or post-divorce dispute resolution. Unfortunately, objective data in support of this expectation were beyond the scope of the present study. However, a Staff Report (1979) indicates that during the period of Study 1, the CCS was indeed effective in this way, yielding \$155 in public saving per case. Insofar as the outcome effectiveness of that study was considerably lower than that of the present study, it is only reasonable that Study 2 can be expected to have improved in cost effectiveness over its predecessor. This reasoning finds further support from a recent study of Bahr (1980) who, among other things, examined the cost effectiveness of eight conciliation projects most of which were in the U.S. Based on his analysis, Bahr concluded that, in the U.S. alone, widespread implementation of conciliation counselling (which he called "divorce mediation") would yield \$98 million annually in combined public and private savings. These data, taken together with our own, suggests that widespread implementation of conciliation counselling should yield a comparable level of savings in Canada.

These benefits of conciliation counselling are significant and their importance cannot be underestimated. However, this is not to suggest that the CCS, in its present form, has reached its optimal level of functioning. Rather, data from the present study

suggest a number of changes and raise a number of as yet unanswered questions.

One such issue concerns the strong relationship between agreement and reporting that a variety of concerns were "mild" problems. This finding is significant for its consistency, as variable after variable displayed the same relationship, and its marked contrast with Study 1, in which problem severity was associated with agreement. This difference between the two studies is amenable to alternative interpretations. It is possible, for example, that differences in sample selection rendered the two studies non-comparable, with Study 2 having relatively few cases that exhibited many very serious problems.¹ Alternatively, given selection criteria mid-way between studies 1 and 2, the relationship between agreement and problem severity may in fact be that of a U-curve, with a high level of agreement among clients with either mild or very severe problems. Irrespective of the interpretation selected, however, this finding suggests, first, that the operation of sample selection criteria is crucial to the optimal performance of the CCS; second, that the amenability of the CCS to client couples with very severe problems warrants investigation within the context of a selected sample; and finally, that "mild problem type" warrants examination as an additional sample selection criterion in the future operation of the CCS.²

¹ Out of 90 client couples in Study 2 with respect to whom a complete data set was available, only 18 (20%) reported having four or more problems rated "serious" or "very serious". This compares to 53 (50%) CCS clients in Study 1.

² For a closer examination of how client variables were associated with successful CCS outcome, see Appendix 2.

A related issue concerns the relationship between lawyer referral and agreement, especially with respect to custody and access. This raises two issues. First, lawyers are clearly of the opinion that certain of their clients will benefit from the CCS while others will not do so. It would be extremely valuable to know the bases of this selection. While lawyers have stated that the CCS is most beneficial with respect to cases of custody and access, the fact that they were frequently unable to say whether or not the CCS was beneficial with respect to other types of cases (eg. property and maintenance) leaves the matter in doubt; it clearly warrants further research.

Second, lawyers have argued that the earlier in the judicial process their clients make contact with the CCS the better. These data were not available in the present study. However, previous work by the Frontenanc Referral Service (1979: p.) provides empirical support for this contention. This suggests that this variable be given a great deal more attention in the future than it has received in the past. In turn, this requires, first, a concerted future effort to advise lawyers and their clients of the availability of this CCS, and, second, more aggressive future efforts at casefinding.

A further issue concerns the service program offered by the CCS. At present, service tends to be relatively brief and does not involve follow-up contact beyond the point of service termination.

In this context, however, a minority of clients have reported dissatisfaction with the short time available in which to reach agreement and have stated a desire to receive follow-up contact.

Presumably, this would mean providing a limited number (ie. 3-5) of follow-up counselling sessions directed at the further clarification of issues in dispute, the continued ventilation of feelings, the exploration of the meaning of the conciliation agreement for both parties, the discussion of future life plans, and so on. While there is as yet no empirical basis for believing that such extended service would either increase the proportion of client couples reaching agreement or enhance the durability of agreements signed, these possibilities are clearly worth investigating. While this would necessarily involve increased fiscal expenditure, the possibility of increased cost effectiveness as a result justifies at least temporary efforts in this direction.

A related issue concerns the association between agreement and having children involving in the counselling process. All too frequently divorce litigation is seen as a matter pertaining exclusively to the marital dyad. Consequently, child involvement, when and if it does occur, is typically regarded as incidental to the main focus of counselling. This perspective, however, overlooks two insights long available to family counsellors, namely, that (1) an integral aspect of family life is the interdependence between and among constituent members, and (2) all family members actively participate, either directly or indirectly, in the development and maintenance of family problems (eg. Minuchin et al., 1978: ch. 2). It follows that the involvement of all family members must also relate to problem resolution preceding change. This suggests the need for a shift in the focus of conciliation from the marital to

the family unit. This would recommend that, unless specifically contraindicated, counsellors encourage the involvement of all family members on the grounds that it may significantly contribute to increased outcome effectiveness.

Still a further issue concerns the rather delicate topic of the relationship between counsellor expectations and outcome. Traditionally, description of a counsellor as a change agent or helper is left unqualified. This assumes that once a client has been accepted in the counselling process, all counsellors are equally zealous in their efforts to achieve a positive outcome and that they do not differentiate between clients in terms of the probability of their achieving such an outcome. The recent work of Stapleford and Bell (1980), however, with respect to marital separation counselling, clearly calls these assumptions in doubt. Their data indicate that (1) counsellors have quite definite, if implicit, expectations concerning which clients are likely to be most amenable to their treatment efforts, and (2) this has a highly significant impact on outcome, with poor outcomes associated with clients with whom the counsellors did not expect to succeed. While the collection of comparable data was beyond the scope of Study 2, our subjective impression is in keeping with Stapleford and Bell's results. This suggests that worker expectations is a component of conciliation counselling that merits research attention.

Another issue concerns the association between agreement and clients having accomplished what they set out to with respect to their most important problem. For many clients, this marked a

dramatic departure from what they had become accustomed to over the several years preceding counselling, years filled with turmoil, uncertainty and failure. That counselling tended to improve their morale and their life circumstances is clear. Whether it impacted similarly on their level of self-esteem and self-perception remains in doubt - although tantalizing bits and pieces of subjective data suggests that it does (See above, pp. 25-28). If so, this suggests that conciliation counselling may have long term effects hitherto unsuspected, effects that may pay off both for the client as well as for the judicial system. This is yet another area requiring future research investigation.

A final issue concerns the matter of future sample selection criteria. The present study makes abundantly clear that increased outcome effectiveness is strongly associated with a selected as opposed to a random sample. It also provides tentative grounds for including a range of additional selection criteria, including lawyer attitude toward the CCS process, duration of client problem, extent of litigation experience prior to CCS involvement and problem seriousness. The low level of comparability between studies 1 and 2, however, strictly limits the confidence with which any one or any combination of these criteria may be advanced. Rather, once again, this must be a matter for future research involving the assessment of outcome while systematically varying the selection criteria employed.

In light of the foregoing discussion, we may conclude by suggesting that, while there is much yet to be done, the data we have examined in this study indicate that the CCS is a viable and

useful adjunct or alternative to the adversary system in relation to problems of marital conflict and dissolution. We therefore recommend its widespread implementation and continued systematic evaluation in the strongest possible terms.¹

1 For a series of recommendations concerning the means by which this might be accomplished, see Irving (1980: 191-192).

APPENDIX 1

In the course of completing this research project, the authors formed certain opinions regarding the most advantageous means of establishing a conciliation counselling service.¹ We offer them here as a matter of interest to the reader and with the hope that they will serve as a focus of creative discussion and critical debate. For a definition of any of the terms used below, the reader is referred to Irving (1980).

Recommendations For The Establishment Of Conciliation Court Services

1. It is helpful for such a service to be imbued with the legal status and authority of the court system.
2. The service should be located within the court, so that they may be closely connected and to give the service greater credibility. This is especially important for lawyers making referrals.
3. Ideally the service should be provided on a state or province-wide basis and be jointly funded by state or province and federal levels of government.
4. A conciliation counsellor should be available at all times to see an immediate referral following pre-trial conferences or referrals from judges.
5. There should be an advisory board made up of representatives from the professional and client communities.
6. A director of conciliation counselling services should be appointed who is responsible to the chief judge or his designee.
7. Conciliation counselling should be made available to all who wish to make use of it, even before formal proceedings are instituted.
8. The service should perform both intake (initial screening) and dispute resolution functions in order to eliminate fragmentation and duplication of service.
9. There should be a conciliation team composed of social workers aided by consultation from lawyers, psychiatrists, and psychologists, as well as staff from the area's predominant social and ethnic groups.

¹ Originally published in Irving (1980: 191-192).

10. The nature of the service should be short-term (approximately one to six interviews) and crisis-oriented, with dispute resolution as the mode of approach.
11. The service should be voluntary, but the court, through the use of its influence, should urge strongly that the service be used.
12. Conciliation counsellors should have professional backgrounds in the psychological and social sciences with experience in family counselling and negotiating skills.
13. An intensive in-service training program should be established to provide seminars in the socio-legal implications of family law.
14. Students from various disciplines should be affiliated with the service for part of their clinical training.
15. In order to allow clients to discuss their problems openly, conciliation counsellors should be granted privileged communication.
16. There should be opportunities for both mediation and arbitration depending upon the conciliator's assessment.
17. A research design should be developed prior to the establishment of a conciliation service, so that the service may be evaluated as it continues and so that further recommendations may be made.

APPENDIX 2

Couple Variables And Counselling Outcomes^{*}

According to Gurman (1975), the outcomes of marital counselling can be related to many factors. For example, counsellor variables, client variables, counsellor-client interactive variables, and counselling intervention variables all play important roles in determining outcome. Of the many possible client contributions to the outcome of counselling, "... either in terms of those characteristics they 'bring with them' to treatment or those that are assessed in the process...none... (absence of psychotic trends, amount of motivation, high levels of initial anxiety or other affects, intellectual capacity, likability) which seem rather certain to be predictive of the outcome...have yet been investigated systematically..." (Gurman, 1975, p. 418).

In order to exploit the considerable number of client variables represented in the studies data set, a "negotiation model" of conciliation counselling was developed, base upon a typology of client couple negotiation "assets" and "liabilities".

^{*} Adapted from Bohm (1980).

Negotiation Model of Conciliation

A basic assumption of the model developed was that various key client "resources," "problems" and "issues" being disputed interact to determine the relative likelihood of successful conciliation.

Figure 1. depicts a way of viewing this interaction of variables.

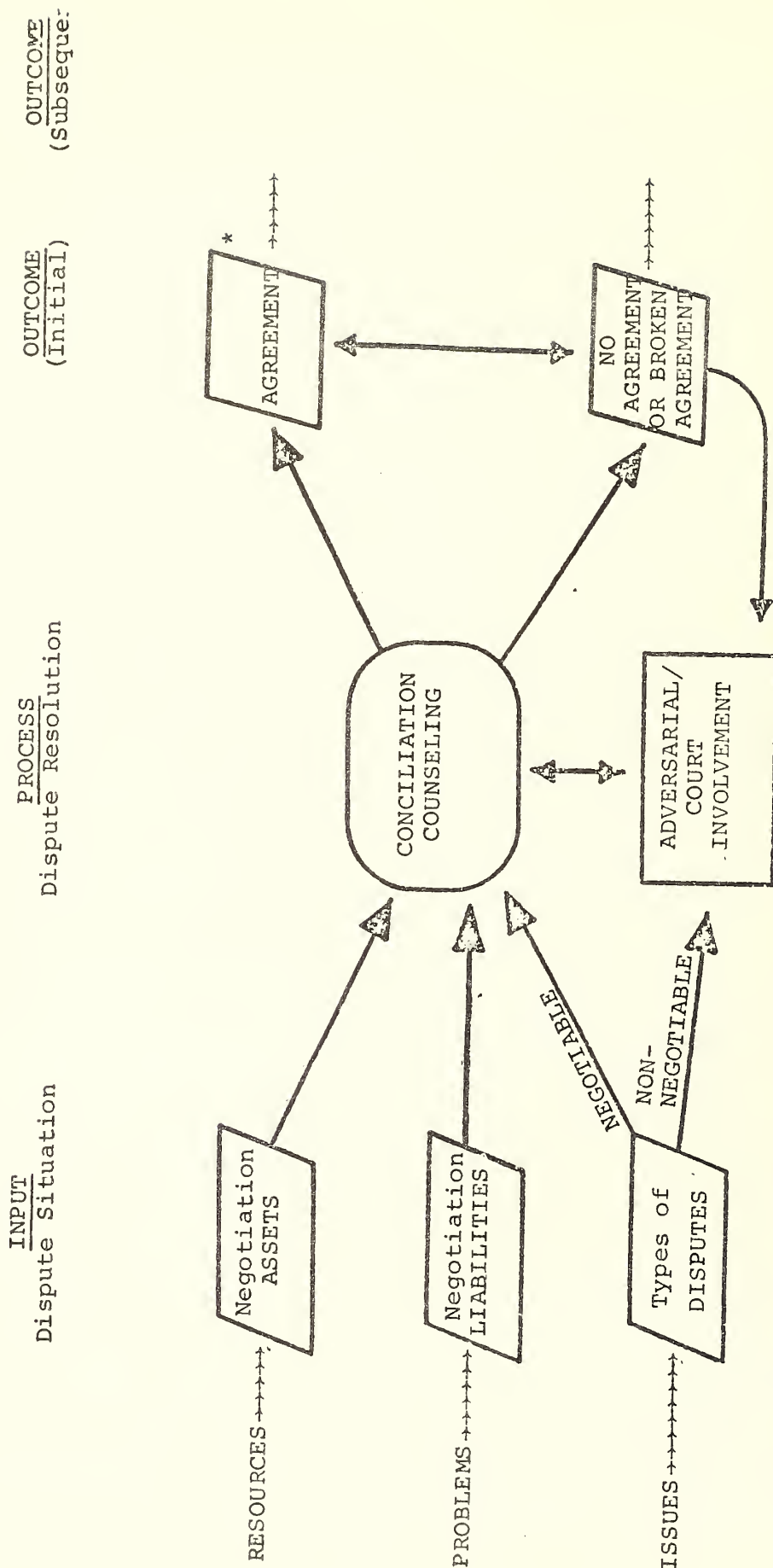
The very limited level of prior research knowledge concerning conciliation made it mandatory that hypotheses remain at a fairly general level. Extrapolating from general conflict resolution theory, however, it is reasonable to hypothesize that couples whose marital situation included proportionately more "negotiation assets" than "negotiation liabilities," as generally defined by Deutsch (1973), Kressel et al (1979), Scanzoni and Polonko (1980) and Coogler et al (1979) are more likely to benefit from conciliation counselling.

It will be recalled that some of the "negotiation resources" (or "assets") described by the research outlined above were personal resources in the following areas:

- Economic, i.e., disparity of financial resources between spouses (Scanzoni and Polonka, 1980);
- Social, i.e., number of important others involved (Scanzoni and Polonka, 1980);
- Educational, i.e., experience with, and understanding of, the negotiation process (Scanzoni and Polonka, 1980; Kressel, et al, 1979);

FIGURE 1

NEGOTIATION MODEL OF CONCILIATION



* Includes partial agreements and agreements of various durations.

- Marital, i.e., "mutuality" about what the future of the marriage should be (Kressel, et al, 1979; Deutsch, 1973, p. 374).

Similarly, a number of "negotiation problems" were identified, which can be seen as "liabilities" in the process of conflict resolution. Some of these are what might be termed:

- Intractability, i.e., presence of problems involving high levels of internal conflict (Deutsch, 1973, p. 375);
- Extensivity, i.e., large "conflict size" (Deutsch, 1973, p. 369);
- Intensity, i.e., "intensification of conflict may induce stress and tension beyond a moderate optimal level..." (Deutsch, 1973, p. 355);
- Obscurity, i.e., conflicts which are based on differences in philosophical and cultural belief about what is "right" or "important" (Deutsch, 1973, p. 354).

Following from these basic propositions, it was hypothesized, in general, that couples having proportionately more resources (in the form of negotiation assets) than problems (in the form of negotiation liabilities) would be more likely to reach equitable agreements in conciliation than other types of couples. In order to test this formulation, relevant variables from the data set were identified for analysis.

These are operationalized, for purposes of this study, in the list below:

Negotiation Assets (resources):

1. Economic: One spouse's income considerably more than the other's (75 to 100 percent more).
2. Social: Family/friends or clergy or family doctor, contacted by both spouses prior to coming to CCS.
3. Education: Both spouses have high school diploma or higher (or type of work indicates negotiation ability).
4. Marital Status Satisfac-tion: Both spouses indicate low dissatisfaction with marriage status (both want to "get back together" or both don't).

Negotiation Liabilities (obstacles):

1. Intract-ability: Drinking (either spouse) reported as a serious* problem or either spouse has seen a psychiatrist.
2. Extensivity: Number of serious problems. Five (5) or more problems rated as serious* (either spouse).
3. Intensity: Serious* physical abuse reported by either spouse.
4. Obscurity: Aims/Goals are cited as areas of high disagreement for either spouse ("almost always" or "always disagree").

It is reasonable to expect couples having high numbers of negotiation assets and liabilities (Group I) to have difficulty in using conciliation because of the offsetting influence of resources and obstacles to negotiation. Couples who are low in both negotiation assets and liabilities (Group IV), could be logically expected to also have difficulty, in that they might lack both the motivation from "crisis" as well as the

* Serious problems are those rated either serious (4) or very serious (5) on the problem severity scale of the Client Question Form.

benefits of resources for negotiation. Disputants who are low on negotiation assets but high on negotiation liabilities (Group II) might very well be expected to compound their problems by entering into a difficult negotiation process, for which they may not be equipped in terms of economic situation, ability, social supports and relationship goals. Finally, disputant couples for whom conciliation brings together considerable personal resources and non-excessive problems (Group III) could reasonably be expected to experience a successful outcome from conciliation.

For analytical purposes, therefore, cases were grouped according to whether they fell into one of the following groups. (see Figure 2).

Figure 2

Disputant Couple Groups According to
Negotiation Assets and Liabilities

		NEGOTIATION ASSETS	
		High	Low
NEGOTIATION LIABILITIES	High	Group I (0)	Group II (-)
	Low	Group III (+)	Group IV (0)

In order to be rated high on either the asset or liability dimension, a couple had to have at least three of the types of resources or obstacles listed above.

Comparing these groups statistically in terms of several

outcome measures,* it was predicted that (comparatively) following conciliation: Group I would not succeed (0); Group II would probably experience deterioration (-); Group III would succeed (+); Group IV would not succeed (0).

Hypotheses

Out of the research and theory described above, several specific hypotheses were isolated to guide the analysis and interpretation of data. These are listed below.

In comparing the outcome measures of CCS Groups I, II, III and IV, at short-term and long-term follow-up, it was hypothesized that:

1. Couples having three or more negotiation assets and three or more negotiation liabilities (Group I) would not improve significantly;
2. Couples having two or less negotiation assets and three or more negotiation liabilities (Group II) would not improve significantly and may experience an increase in conflict over disputed issues rather than a successful outcome;
3. Couples having three or more negotiation assets and two or less negotiation liabilities (Group III) would improve most significantly;
4. Couples having two or less negotiation assets and two or less negotiation liabilities (Group IV) would not improve significantly.

* Agreement, Global Improvement, Life Satisfaction and Court Activity are dependent measures of "conciliation success." (see Chapter II)

Hypothesized Outcomes (At Termination)

Table 12 suggests that three (3) of the four (4) tentative hypotheses advanced concerning disputant groups are supported by agreement data. Comparatively:

- Group I had a low rate of agreement (33 percent);
- Group III had a high rate of agreement (85 percent), $p = .01$;
- Group IV had a relatively low rate of agreement (58 percent).

Contrary to what was tentatively hypothesized, Group II also had a high rate of agreement (91 percent).

By themselves, these results should be regarded with caution due to the probable variation in the meaning of "agreement." However, a similar relationship can be seen in the "goal achievement" and "global assessment" outcomes, described in Tables 13 and 14.

In many respects the reaching of agreements is the most important outcome in terms of the CCS program goals. Ostensibly, by reaching agreements "out of court," over some or all issues at dispute, there is a minimization of continued destructive conflict and a pragmatic saving in Court time (at less public expense).

It is interesting that when cases with high negotiation assets (Groups I and III) are compared with low negotiation asset cases (Groups II and IV), there are no differences in

* Note in comparative tables that χ^2 was computed a second time excluding Group I due to the small cell size and n of 10 in that group.

reaching agreement. Similarly, cases with high negotiation liabilities (Groups I and II) when compared with cases having low negotiation liabilities (Groups III and IV) showed no difference in reaching agreement. This is suggestive that an interaction between negotiation asset variables and liability variables may well account for successfully reaching agreements.

TABLE 12

AGREEMENTS REACHED BY
DISPUTANT COUPLE GROUPS

Outcome Measure	DISPUTANT COUPLE GROUPS				Total
	I %	II %	III %	IV %	
Agreement Reached					
Yes	33.3	90.5	85.0	58.3	69.8
No	67.7	9.5	15.0	41.7	30.2
Total (n)	100.0 (9) ^a	100.0 (21) ^a	100.0 (20)	100.0 (36) ^a	100.0 (86) ^a

a

Note missing cases

Group I (n=10), Group II (n=22)

Group III (n=20), Group IV (n=38)

Total n=90

$$\chi^2 = 14.365, df = 3$$

$$p = .01$$

$$\chi^2 = 8.819, df = 2$$

$$p = .01 \text{ (excluding Group I)}$$

The occurrence of couples having both high negotiation assets and high negotiation liabilities is apparently a rare event, as evidenced by a small n in Disputant Group 1.

Hypothesized Outcomes (At Short-term Follow-Up)

Table 13 suggests strongly, though not significant at the .05 level, that Group II couples (80 percent of the women and 79 percent of the men) are most likely to report high levels of conciliation goal achievement, compared to other disputant groups. This may be related, again, to the crisis proportions of their problems, which may be more amenable to third party intervention and subsequent perceived goal achievement. Goal achievement may also be more easily perceived against a baseline of more numerous and severe problems along with a shortage of problem solving resources.

The relatively lower rate of goal achievement in Group III (65 percent of women and 58 percent of men) may be indicative of higher levels of "compromise," which may result in longer term gains. This interpretation is supported in the discussion of outcome findings for the one-year follow-up of Court Activity (Table 15, below).

TABLE 13

GOAL ACHIEVEMENT BY WOMEN
AND MEN DISPUTANT GROUPS

Outcome Measure	DISPUTANT GROUP WOMEN				Total %
	I %	II %	III %	IV %	
Goal Achievement					
Achieved	60.0	80.0	64.7	60.5	65.9
No Difference	20.0	15.0	29.4	36.8	28.2
Worse	20.0	5.0	5.9	2.6	5.9
Total (n)	100.0(10)	100.0(20) ^a	100.0(17) ^a	100.0(38)	100.0(85) ^a

N.S.S.

Outcome Measure	DISPUTANT GROUP MEN				Total %
	I %	II %	III %	IV %	
Goal Achievement					
Achieved	30.0	78.9	57.9	36.9	50.0
No Difference	60.0	10.5	26.3	50.0	37.2
Worse	10.0	10.5	15.8	13.2	12.8
Total (n)	100.0(10)	100.0(19) ^a	100.1(19) ^a	100.0(38)	100.0(86) ^a

N.S.S.*

^aNote missing cases
(Group I (n=10), Group II (n=22)
Group III (n=20), Group IV (n=38)
Total n=90

* When the outcome is dichotomized to indicate "achieved" vs "no difference or worse" the following significance level was found.

$$\chi^2 = 9.289, \text{ d.f.} = 2$$

$p < .01$ (excluding Group I)

Table 14 below shows that, although the results do not reach the .05 level of significance, Group III women (74 percent) and men (84 percent) tended to report a higher rate of success in terms of "global assessment."

Also, in a parallel fashion to Table 10, Group II, women (76 percent) and men (71 percent) were also more likely than Groups I and IV to report high levels of improvement (contrary to the trend hypothesized).

TABLE 14

GLOBAL ASSESSMENT BY WOMEN
AND MEN DISPUTANT GROUPS

Outcome Measure	DISPUTANT GROUP WOMEN				Total %
	I %	II %	III %	IV %	
Global Assessment ("Things are")					
Better	60.0	76.2	73.7	47.4	61.4
No Difference	20.0	19.0	26.3	44.7	31.8
Worse	20.0	4.8	0.0	7.9	6.8
Total (n)	100.0(10)	100.0(21) ^a	100.0(19) ^a	100.0(38)	100.0(88) ^a

N.S.S.

Outcome Measure	DISPUTANT GROUP MEN				Total %
	I %	II %	III %	IV %	
Better	30.0	71.4	84.2	62.2	65.5
No Difference	30.0	19.0	5.3	18.9	17.2
Worse	40.0	9.5	10.5	18.9	17.2
Total (n)	100.0(10)	100.0(21) ^a	100.0(19) ^a	100.0(37) ^a	100.0(87) ^a

N.S.S.

^a Note missing cases
Group I (n=10), Group II (n=22),
Group III (n=20), Group IV (n=38)
Total n = 90

Table 15 is limited by the large number of missing cases. However, there is a suggestion that overall life satisfaction is not related to the negotiation asset and liability variables which determine the four (4) disputant groups. Logically, successful negotiation of disputes involves compromise which (at least initially) may not be very "satisfying." This was vividly illustrated by one woman disputant who during the follow-up interview indicated that the agreement was working in a practical sense, but she still was "angry as hell at him," and was struggling with the double burdens of a single parent.

TABLE 15

LIFE SATISFACTION BY WOMEN
AND MEN DISPUTANT GROUPS

	DISPUTANT GROUP WOMEN				
	I	II	III	IV	Total
Outcome Measure	%	%	%	%	%
Life Satisfaction					
Improved	12.5	16.7	20.0	26.3	20.4
No Difference	87.5	66.7	80.0	63.2	72.2
Worse	0.0	16.7	0.0	10.5	7.4
Total (n)	100.0(8) ^a	100.0(12) ^a	100.0(15) ^a	100.0(19) ^a	100.0(54)

N.S.S.

	DISPUTANT GROUP		MEN		
	I	II	III	IV	Total
Outcome Measure	%	%	%	%	%
Life Satisfaction					
Improved	14.3	46.7	6.7	30.0	26.3
No Difference	85.7	46.7	80.0	55.0	63.2
Worse	0.0	6.7	13.3	15.0	10.5
Total (n)	100.0(7) ^a	100.0(15) ^a	100.0(15) ^a	100.0(20) ^a	100.0(57)

N.S.S.

^a Note total number of missing cases (36 women 33 men) is particularly high for this outcome measure.

Group I (n=10), Group II (n=22)
Group III (n=20), Group IV (n=38)
Total n = 90

In terms of preliminary interpretation of these results, two general assertions can be advanced:

1. Disputant couples having three or more of the negotiation assets and two or less negotiation liabilities (Group III as described in Chapter I), appear to be more amenable to reaching conciliation agreement, and tend to perceive the CCS to be more helpful than Groups I and IV. This does not necessarily mean, however, that their "general life satisfaction" will improve or that their "most important problem/goals" will be reached.

Generally speaking, these findings are consistent with the conciliation/mediation approach to dispute resolution. That is, it does not primarily intend to make disputants "feel better" or solve personal problems, but rather, reach compromise agreements. Compromise can often be (at least initially) quite "dissatisfying" on an emotional level.

2. Couples who are "caught" in a situation where they have few resources (negotiation assets) and severe problems (negotiation liabilities) such as Group II, may be experiencing the dispute in such numerous dimensions that they are initially motivated and willing to negotiate toward agreement with a supportive, neutral third party counselor. Also, they have "more room for improvement."

This is consistent with the earlier finding by Irving,

et al. (1979) that couples who are experiencing severe and numerous problems when referred to conciliation are more likely to negotiate toward agreement.

In an overall sense, it is also important to recognize that many of these sample couples were, at the time of referral, at a fairly "advanced" state of marital conflict and dissolution.* Given this, it is not surprising that agreements being reached often did not correspond with improved life satisfaction and goal achievement. Key questions in this regard concerning the relationship between prior legal activity and CCS outcome will be dealt with in a later section.

It is important to also note that the majority (65 percent) of disputants attributed their perceived improvement largely to the help received through the CCS.

* Half of them having been referred by a judge, 85 percent already separated, and 65 percent bringing problems which dated back three (3) years or more.

Hypothesized Outcomes (At One Year Follow-Up)

As illustrated in Figure 2, on page , the source of outcome data chosen as the indicator of agreement "durability" and otherwise successful negotiation and conflict resolution, was the relative frequency of court contact during the twelve (12) months following intake. In order to determine this, the Family Court records for each case were carefully inspected and the number of Court appearance dates* set were recorded for the 365 days following the date of intake. Where records were not available, one or both of the clients' lawyers were contacted to obtain this information.

Table 16 shows these one year follow-up outcomes in terms of whether or not a couple returned to Court during the year subsequent to intake. It can be seen that Group III couples are significantly less likely to return to Court for conflict resolution.

To rule out the "source of referral" as the factor responsible for this statistical relationship, Groups I, II, III and IV were crosstabulated to determine whether any group was more frequently referred by judges or lawyers. No significant differences were found between groups on this variable.

* CCS staff felt that court dates were a reliable indicator of post-CCS outcome success, since a court date was usually related to continued dispute.

TABLE 16

RETURNED TO COURT
AFTER INTAKE BY
DISPUTANT COUPLE GROUPS

Outcome Measure	DISPUTANT COUPLE GROUPS				
	I %	II %	III %	IV %	Total %
Returned to Court					
Yes	80.0	90.9	45.0	71.1	71.1
No	20.0	9.1	55.0	28.9	28.9
Total (n)	100.0 (10)	100.0 (22)	100.0 (20)	100.0 (38)	100.0 (90)

$$\chi^2 = 11.219, \text{ d.f.} = 3$$

$$p = .01$$

$$\chi^2 = 10.553, \text{ d.f.} = 2$$

$$p < .01 \text{ (excluding Group 1)}$$

Table 17 also suggests that Group III is less likely to resort to Court-adversarial resolution to disputes during the year following the initiation of CCS contact. The data reported in this table reflect a significantly higher probability that Group III would not appear in Court more than once, as compared with the other Disputant Groups in the study population ($p < .01$), regarding "original conflict" issues.

Table 18, similarly, indicates that this relationship also tends to hold (although not at the .05 level) when "total Court dates" are crosstabulated with Groups I, II, III and IV. The term "Total Court Dates" refer to those reported in Table 17 plus Court Dates relating to "new" issues which developed.

These findings suggest two important relationships. First, the hypothesis that couples with high negotiation assets and low negotiation liabilities benefit more from conciliation, in this population and setting, is again supported in terms of most of them (90 percent) infrequently appearing in Court.

Second, the apparent "success" of Group II couples (low assets, high liabilities) disappears in this long-term follow-up data. This suggests that "desperate" couples, in extreme crisis, may be initially amenable to reaching negotiated agreement, but over the long run they resort to Court resolution.

TABLE 17

NUMBER OF COURT DATES AFTER INTAKE
RELATED TO THE ORIGINAL CONFLICT
ISSUE BY DISPUTANT COUPLE GROUPS

Outcome Measure	DISPUTANT COUPLE GROUPS				Total
	I %	II %	III %	IV %	
Court Dates					
0 - 1	60.0	45.5	90.0	78.4	70.8
2 or more	40.0	54.5	10.0	21.6	29.2
Total (n)	100.0(10)	100.0(22)	100.0(20)	100.0(37) ^a	100.0(89) ^a

$\chi^2 = 11.991$, d.f. = 3

$p < .01$

$\chi^2 = 11.689$, d.f. = 2

$p < .01$ (excluding Group I)

^a Note missing case
Group IV n = 38, total = 90

It is logical to expect that court appearance over "new" issues would be less influenced by CCS, since they were not likely to be dealt with originally. However, this finding may indicate a need for a follow-up component to the CCS program (see Table 18).

TABLE 18

TOTAL NUMBER OF COURT DATES
AFTER INTAKE BY DISPUTANT COUPLE GROUPS

Outcome Measure	DISPUTANT COUPLE GROUPS				
	I %	II %	III %	IV %	Total %
Total Court Dates ^b					
0 - 2	77.8	68.2	90.0	72.3	75.9
3 or more	22.2	31.8	10.0	27.8	24.1
Total (n)	100.0 (9) ^a	100.0 (22)	100.0 (20)	100.0 (36) ^a	100.0 (87) ^a

N.S.S.

^aNote missing cases
 Group I (n=10)
 Group IV (n=38)
 Total n=90

^bFindings were also non-significant when "Total Court Dates" categories of 0-1 and 2 or more were used.

APPENDIX 3

GAMMA CORRELATIONS FOR AGREEMENT
REACHED BY FOLLOW-UP OUTCOME MEASURES

Follow-up Outcome Measure	Gamma Correlation with Reaching Agreement	
	Women	Men
Global Improvement	.50*	.61**
Global Achievement	.57***	.60****
Life Satisfaction	.25	-.21

* $\chi^2 = 4.289$, d.f. = 1, $p < .05$, $n = 84$

** $\chi^2 = 7.225$, d.f. = 1, $p < .01$, $n = 83$

*** $\chi^2 = 9.020$, d.f. = 1, $p = .01$, $n = 81$

**** $\chi^2 = 8.693$, d.f. = 1, $p = .01$, $n = 82$

REFERENCES

- Alberta Conciliation Services. Demonstration Project, #558-1-12.
Ottawa: National Health and Welfare Canada, 1975.
- Bahr, S.J. Divorce Mediation: An Evaluation of an Alternative Divorce Policy. Provo, Utah: Brigham Young University, Unpub. MS, 1980.
- Bohm, P. Client Variables Associated with Outcomes of Conciliation Counselling. Toronto: Faculty of Social Work, University of Toronto, Unpub. D.S.W. thesis, 1980.
- Campbell, A., Converse, P.E., Rogers, W.L. The Quality of American Life. N.Y.: Russel Sage Foundation, 1976.
- Coogler, O.J. Changing the lawyer's role in matrimonial practice. Conciliation Courts Review 1977, 15, 1-8.
- Davidson, R. Marriage and Family Law in Ontario. Toronto: International Self-Counsel Press, 1975.
- Deutsch, M. The Resolution of Conflict. New Haven: Yale University Press, 1973.
- Elkin, M. Short-contract counselling in a Conciliation Court. Social Casework 1962, 43, 184-190.
- Elkin, M. Conciliation Courts: The reintegration of disintegrating families. Family Coordinator 1973, 22, 63-72.
- Frontenac Family Referral Service - Couples in Crisis. Kingston, Ont.: Frontenac Family Referral Service, 1979.
- Glass, G.V. & Stanley, J.C. Statistical Methods in Education and Psychology. Englewood Cliffs, N.J.: Prentice-Hall, 1970.
- Haynes, J.M. Divorce mediator: A new role. Social Work 1978, 23, 5-9.
- Irving, H.H. Divorce Mediation: The Rational Alternative. Toronto: Personal Library Publishers, 1980.
- Irving, H.H. & Gandy, J. Family Court Conciliation Project: An experiment in support services. Reports of Family Law 1977, 25, 47-53.
- Irving, H.H. & Irving, B.G. Conciliation counselling in divorce litigation. Reports of Family Law 1974, 16, 257-266.
- Irving, H.H., Bohm, P.E., Macdonald, G., Benjamin, M. A Comparative Analysis of Two Family Court Services: An Exploratory Study of Conciliation Counselling. Toronto: Welfare Grants Directorate, National Health and Welfare and the Ontario Ministry of the Attorney General, Demonstration Project No. 25555-1-65, 1979.

- Kronby, M.C. The Guide to Family Law. Toronto: New Press, 1972.
- Lightman, E.S. & Irving, H.H. Conciliation and arbitration in family disputes. Conciliation Courts Review 1976, 14, 12-21.
- Minuchin, S., Rosman, B.L., Baker, L. Psychosomatic Families: Anorexia Nervosa in Context. Cambridge, Mass.: Harvard University Press, 1978.
- Nie, N.H., Hull, C.H., Jenkins, J.G., Steinbrenner, K., Bent, D.H. Statistical Package for the Social Sciences. N.Y.: McGraw-Hill, 1975.
- Norton, A.J. & Glick, P.C. Marital instability in America: Past, present and future. In G. Levinger & O. Moles (eds.) Divorce and Separation: Contexts, Causes, and Consequences. N.Y.: Basic Books, 1979.
- Osgood, C.E., Suci, G.J., Tannenbaum, P.H. The Measurement of Meaning. University of Illinois, 1957.
- Rubin, J.Z. & Brown, B.R. The Social Psychology of Bargaining and Negotiation. N.Y.: Academic Press, 1975.
- Sonne, J.C. On the question of compulsory marriage counselling as a part of divorce proceedings. Family Coordinator 1974, 23, 303-305.
- Staff Report Conciliation Project, Ministry of Attorney General, Ontario, August 1980
- Statistics Canada - Population: Demographic Characteristics, Marital Status, 1976. Ottawa: Ministry of Industry, Trade and Commerce, Census of Canada, 1978: 1-17.
- Stapleford, J.E.N. & Bell, N.W. Marital Separation Counselling and the Uncoupling Process. Toronto: Family Service Association of Metropolitan Toronto, 1980.
- Weiss, R.S. Marital Separation. N.Y.: Basic Books, 1975.
- Weiss, W.W. & Collada, H.B. Conciliation Counselling: The Court's effective mechanism for resolving visitation and custody disputes. Family Coordinator 1977, 26, 444-447.
- Wheeler, M. No-Fault Divorce. Boston: Beacon Press, 1974.

